

**SAPIR & FRUMKIN LLP**

ATTORNEYS AT LAW

399 KNOLLWOOD ROAD, SUITE 310

WHITE PLAINS, NEW YORK 10603

WRITER'S E-MAIL: WCusack@sapirfrumkin.com

DONALD L. SAPIR  
WILLIAM D. FRUMKIN\*

DANIEL T. DRIESEN  
KATERYN E. WHITE\*\*  
EMILY A. ROSCIA  
WILLIAM F. CUSACK III  
ELIZABETH E. HUNTER\*\*\*

\*ADMITTED IN N.Y. & CT.  
\*\*ADMITTED IN N.Y. & N.J.  
\*\*\*ADMITTED IN N.Y. & CA

TEL: (914) 398-0360  
FAX: (914) 682-9128

PARALEGAL  
RACHEL L. HORTON

February 6, 2008

**Via Facsimile and Regular Mail**

**Facsimile No. (914) 390-4085**

Hon. Charles L. Brieant  
United States District Judge  
Southern District of New York  
United States Courthouse  
300 Quarropas St., Room 275  
White Plains, New York 10601

**Re: *Adrian Huff, et al., v. Mid Hudson Steel Corp. and Grammer, Dempsey  
& Hudson, Inc.***  
***Civil Action No. 07 Civ. 5926 (CLB)(MDF)***  
***Our File No. 03-7418***

Dear Judge Brieant:

We represent Adrian Huff, *et al.* (Plaintiff), in the above referenced matter. I write regarding several issues that have developed during the discovery process that necessitate an extension of the current discovery deadline date of February 8, 2008. For the following reasons, Plaintiff respectfully requests, and Defendants do not oppose, an extension of the discovery deadline to Thursday, May 8, 2008.

***Depositions of James Hudson and J. Morgan Hudson***

On December 19, 2007, Plaintiff noticed James F. Hudson for deposition for January 24, 2008 at 10:00 AM. Unfortunately, James Hudson and Keith McMurdy, Esq., counsel for Mid-Hudson Steel Corp. (Mid-Hudson) and Grammer, Dempsey & Hudson, Inc. (Grammer) (collectively referred to as Defendants), failed to appear for the deposition. On January 29, 2008, Plaintiff noticed

Hon. Charles L. Brieant  
United States District Judge

-2-

February 6, 2008

James Hudson and J. Morgan Hudson for depositions on February 5, 2008. On January 30, 2008, Mr. McMurdy notified our office that neither James Hudson, J. Morgan Hudson, nor he were available for depositions on that date and suggested February 14 or 15, 2008 as alternative dates. Because Mr. McMurdy suggested deposition dates beyond the current discovery deadline, Plaintiff will require an extension of the discovery deadline to conduct the depositions.

***Additional Defendants That Are in the Control Group and Liable for Damages along with Defendants***

On December 19, 2007, Plaintiff issued Plaintiff's First Set of Interrogatories and Request for Production of Documents Pursuant to Fed. R. Civ. P. Rules 33 and 34 (Discovery Demands). After Defendants failed to respond to the Discovery Demands, Plaintiff reissued them with a due date of January 31, 2008. In Defendants' responses to the Discovery Demands, Defendants identified two (2) additional corporations that are members of the control group with Defendants -- Bridgeport Steel Company and Buell Specialty Steel -- and are liable to Plaintiff for the withdrawal liability. Also, through our own research, our firm identified five (5) additional companies that are members of the control group. Plaintiff seeks to amend the caption to add the additional defendants. Plaintiff will require additional time to serve the complaints on, receive answers from, and demand discovery from the additional parties.

***Motion for Partial Summary Judgment Against Defendants Mid-Hudson and Grammer***

On December 19, 2007, Plaintiff issued Plaintiff's Request For Admissions Pursuant to Fed. R. Civ. P. Rule 36. Defendant failed to respond to the request and, as such, the admissions were deemed admitted. Accordingly, Plaintiff will move for partial summary judgment as against Mid-Hudson and Grammer.

In light of the foregoing issues, Plaintiff respectfully requests an extension of the discovery deadline to Thursday, May 8, 2008. Thank you for your courtesies in this matter. If you have any questions, please do not hesitate to contact me.

Respectfully,



William F. Cusack III (WC2497)

WFC:aa

cc: Adrian Huff, Fund Chairman (Via Facsimile)  
Sharon Molinelli, Fund Administrator (Via Facsimile)  
David Kramer (Via Hand Delivery)  
Keith R. McMurdy, Esq. (Via Facsimile)

F:\APPLICATIONS\TEAMSTER\Mid Hudson Steel Corp\Letters\U.-Brieant\USD1.02.06.08.wpd\dn